IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 8390 of 2004**

Between:

All India Guards Council, Regd.No.4718, At Rail Guard Bhavan , New Ghaziabad, U.P.,
rep.by its Secunderabad Divisional President Shri K.J.Prasad S/o Sri Madhavar Rao [aged 49]
Flat No. 102, Krishna Sai Residency, Seetaphalmandi Secunderbad

**..... PETITIONER**

AND

1 The General Manager, South Central Railway, Rail Nilayam, Secunderabad
2 The Divisional Railway Manager, Secunderabad Division , Sanchalan Bhawan, South Central Railway Secunderabad

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of writ of Mandamus or any other appropriate writ or order or direction directing the respondents herein and its administration to observe strictly the speed rules strictly with letter of spirit and provide brake vans and guards to all the trains including MMTS and provide proper running and observe acceleration and deceleration timings within the limits booked speed and provide leverage for commercial duties and other practical difficulties and provide justified and safe working conditions for guards including leave reservation, rest and duty hours to ensure safety of the public.

**Counsel for the Petitioner:MR.B.VEERABHADRA RAO**

**Counsel for the Respondents : MR. B.H.R. CHOUDARI, S.C. FOR RAILWAYS.**

**The Court made the following :**

**ORAL ORDER:**

**( Per Hon'ble The Chief Justice )**

**.....**

1. Petitioner is All India Guards Council, represented by its Secunderabad Divisional President. Petitioner's grievance is that trains are being run without proper safety methods. In other words the trains are allowed to run without brake van and without guards, causing artificial scarcity of guards to the trains and causing mental and physical strain to drivers and guards by irrational and insufficient timings in the working time table and by not providing justified and safe working conditions, endangering the lives of public. Petitioner highlighted Rule 4.25 of General Rules For Indian Railways, 1976, and Rule 4.23 relating to Brake-Vans and has also tried to highlight about the time allowance for acceleration and deceleration which is highly inadequate. Therefore, drivers are under constant strain and stress to maintain time. Petitioner has also tried to emphasise that statutory obligation is there to have 30% leave reserved, which respondents are not adhering to.

2. Though the petitioner say that petitioner's counsel had submitted various representations to various authorities, but without any effect.

3. On being questioned when petition was taken up for consideration, learned counsel for the petitioner frankly stated that no representation was filed before filing the writ petition for redressal of petitioner's grievances. Except affidavit in support of the petition, there is no document or complaint of the petitioner. Hardly it was a fit case even to entertain such a petition. In any case respondents were called upon to file reply affidavit and had contested the petition defeating the petitioner's claim. With respect to adherence to the rules, it is stated that in no situation trains are permitted to travel without a brake van and a Guard as alleged by the petitioner. Only in case of emergencies, when trains are permitted to travel without brake van, a Guard is booked invariably to work in the train and as per the instructions in force, he has to travel in train engine. This practice applies only to goods trains and not to passenger trains. No passenger train carrying passengers is permitted to travel without a brake van/SLR or a Guard. As regards adherence to the speed and time allowed for acceleration and deceleration, it is stated that the running time for every individual train is fixed after a series of calculations, considering the factors and taking the views of various committees, based on capacity of the engine used, the rolling stock (coaches) used, the system of braking, the track structure, section capacity and points and crossings. The permanent speed restrictions imposed due to geographical conditions are also taken into consideration. After fixing the running timings based on the above factors, required number of trials are also being conducted by various connected departments and the final running time is fixed and published through working time table which is being circulated to all concerned staff for their guidance during the course of their working of trains. It has also been instructed that if the aforesaid instructions could not be followed due to various reasons, the same must be brought to the notice of the concerned, which is rectified if the claim is justified. If any of the staff for any reason are not able to abide the instructions laid down is deemed to have violated the instructions and treated as inefficient, they are dealt accordingly.

4. The two grounds aforementioned pleaded before us are only hypothetic situations which petitioner tried to claim. In case there was to be some strict discipline to be enforced by the respondents, that would not have led to petitioner agitating the matter before us in this writ petition. The third ground projected in the writ petition is in fact purely service matter between the petitioner – Association and the respondents. There is no public interest involved in such like petition where an employee of Railways has come forward for redressal of their grievances which they can very well work out by representation before the respondents.

5. In the result, writ petition is dismissed. No costs.

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**DEVINDER GUPTA. C.J.,**

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**C.V. RAMULU. J.,**

**Dated: 23.08.2004.**

**VRK.**

To

1 The General Manager, South Central Railway, Rail-Nilayam, Secunderabad

2 The Divisional Railway Manager, Secunderabad Division , Sanchalan Bhawan, South Central Railway Secunderabad

3. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

4. The Secretary, A.P. State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.

5. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

6. 2 CD copies.

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE C.V. RAMULU.**

**W.P.NO. 8390 OF 2004.**

**( Order of the Bench delivered by**

**Hon'ble The Chief Justice )**

**Dt: 23.08.2004.**

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